



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,421	11/20/2003	Rainer Grimm	60,130-1927; 02MRA0547	9645

26096 7590 02/10/2005

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER
----------

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/718,421

Applicant(s)

GRIMM ET AL.

Examiner

Dennis H. Pedder

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6, 10-16 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the variable distance guide rails and variable width roller blind, claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6, 13-16, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wingen et al. in view of Webasto, DE 19745866C1.

Wingen et al. has the rotatable and shiftable coiling body 6,12 and roller blind 5,11 stationarily mounted at a second end to a vehicle at 10. See rails 8 of Wingen et al., who does not mention guidance of the blind itself. It would have been obvious to one of ordinary skill to provide in Wingen et al. guide rails that guide edges of the roller blind as taught by Webasto at 26. Applicant argues that the structure of Wingen et al. would not work as proposed as the cross strips would not be engageable in the rails. However, no claim language of applicant that is rejected requires that the blind edges leave the guide rails-the cross strips may stay. Applicant further argues that no benefit is provided by

Art Unit: 3612

using this prior art teaching of Webasto. In response, the examiner states that a flexible horizontally mounted shade that is not supported at side edges is subject to Newtonian gravity and the edges of the shade will droop unless supported. That Wingen does not show such support is consistent with German patent prosecution which does not detail known elements from the prior art such as that disclosed by Webasto, assignee of his patent as well.

As to claim 3, integrating of two adjacent guide tracks into a single structure is common knowledge in the art, obvious to do here to ease assembly.

As to claim 4, this also is common knowledge in the art to shade a rectangular opening.

As applicant has not challenged these statements of judicial notice, they are made final.

As to claim 6, the edges are releasable by the reverse of assembly. Applicant argues that the edges of the shade of Webasto are spaced apart from the guide rails. However, the claims make no recitation regarding where the shade edges are located-the claims state that the guide rails guide the edges (claim 2) and that the edges are releasably connected to the rails (claim 6). Guided and connected do not require physical contact between edges and rails. The guiding connection may be by an intervening member as taught by Webasto.

As to claim 5, Webasto shows the guide rails at variable distance and the blind has a variable width at 32.

As to claim 23, the section 10 of Wingen et al. is a cross piece connecting the guide rails as an obvious expedient as well as common knowledge in the art.

As to claim 24, detent-"a mechanism for keeping one part in a certain position relative to another, releasable by application of force to one of the parts"-Random House College

Art Unit: 3612

Dictionary, 1980. the guide rails of Webasto have a detent at 24 and the cooperating shape of the guide rail-releasable by pulling the member 24 out of the end of the rail.

5. Claims 10-12, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wingen et al. in view Webasto as applied to claim 2 above and further in view of Sakurai.

It would have been obvious to one of ordinary skill to provide in Wingen et al. as modified by Webasto a multiple sunroof roof as taught by Sakurai with the identical blind setup in order to shade the additional roofs. The second coiling body of either embodiment of figures 1 or 5 of Wingen et al applied to the second et al. roof openings. of Sakurai could move either opposite or toward each other as desired.

As to claim 11, all blinds are attached to the roof.

As to claim 12, the rear edges of each roof opening oppose each other.

#### ***Allowable Subject Matter***

6. Claims 7-9, 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments filed 1/11/2005 have been fully considered but they are not persuasive. Note that applicant, not satisfied with the allowable features of claim 7, 17, might mistakenly consider using the word --engage-- instead of "guide". However, the German patent 501808 clearly shows engagement of shade edges and rail. A more likely option would be to consider using the term --two guide rails that engage the longitudinal edges of the roller blind as

Art Unit: 3612

the coiling body is shifted in one direction and disengages said edges as the blind is shifted in an opposite direction-- as disclosed in figure 6.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

UK 841,858 figures 1-3 only, Larsen, Waibel, Smith, Miesen, and Austin and Britax are all cited to show edge engagement of a flexible roof cover.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

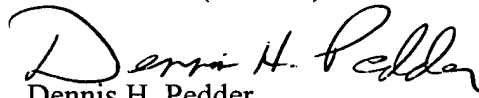
Art Unit: 3612

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178.

The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

2/7/05

DHP  
2/7/2005